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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Hartig, M., et al.) Art Unit: 3743
U.S. Appln. No. : 10/718,404) Examiner: N/A
Confirmation No. : 9739
U.S. Filing Date : 11/20/2003
Title of Invention : Tiotropium Containing Powder Formulation for Inhalation
Attny. Docket No. : 1/1425

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

February 11, 2005

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☐ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

☐ The fee set forth in 37 C.F.R. §1.17(p).

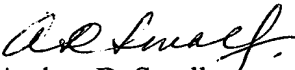
☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.


☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

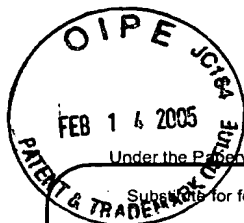
Triplicate copies of this form are enclosed.

Respectfully submitted,


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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/718,404
Filing Date	11/20/2003
First Named Inventor	HARTIG, M., et al.
Art Unit	3743
Examiner Name	N/A
Attorney Docket Number	1/1425

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 4,042,700	08-16-1977	Rolf BANHOLZER, et al.	
		US- 4,608,377	08-26-1986	Rolf BANHOLZER, et al.	
		US- 4,783,534	11-08-1988	Rolf BANHOLZER	
		US- 5,610,163	03-11-1997	Rolf BANHOLZER, et al.	
		US- 5,654,314	08-05-1997	Rolf BANHOLZER, et al.	
		US- 5,770,738	06-23-1998	Rolf BANHOLZER, et al.	
		US- 5,952,505	09-14-1999	Rolf BANHOLZER	
		US- 6,482,429	11-19-2002	Frank M. ETZLER	
		US- 6,486,321	11-26-2002	Rolf BANHOLZER, et al.	
		US- 6,506,900	01-14-2003	Rolf BANHOLZER, et al.	
		US- 6,585,959	07-01-2003	Michael WALZ, et al.	
		US- 2003/0068278	04-10-2003	Georg BOECK, et al.	
		US- 5,498,422	03-12-1996	Kouichi NAKAMICHI, et al.	
		US- 6,589,536	07-08-2003	Werner BROX, et al.	
		US- 6,228,394	05-08-2001	Stephen T. HORHOTA, et al.	
		US- 6,517,865	02-11-2003	Dominique CADE, et al.	
		US- 2004/0136919	07-15-2004	Mareke HARTIG, et al.	
		US- 6,235,725	05-22-2001	Tahir AHMED	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		EP 0 418 716 A1	03-27-1991	Boehringer Ingelheim KG		
		EP 0 172 258	02-26-1986	FANUC LTD		

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Art Unit	3743
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Examiner Name	N/A
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Attorney Docket Number	1/1425
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NON PATENT LITERATURE DOCUMENTS

Examiner
Initials*Cite
No.¹

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

 T^2

N.H. SHAH, et al. "Elasticity of Soft Gelatin Capsules Containing Polyethylene Glycol 400 -- Quantitation and Resolution" *Pharmaceutical Technology*, March 1992, pg 126-133

M. WALZ, et al. "Process for Preparing Powder Formulations" US Patent Application number 10/766,648. Filed 01/28/2004. Attorney docket number 1/1237,1149 R

**Examiner
Signature**

**Date
Considered**

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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